

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LESTER BELL, Petitioner, v. MATT MACAULEY,¹ Respondent.	2:20-cv-11746 ORDER DENYING MOTION FOR A CERTIFICATE OF APPEALABILITY AS MOOT
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Before the Court is Petitioner Lester Bell’s motion for a certificate of appealability. ECF No. 9. On September 4, 2020, the Court denied Mr. Bell’s petition for writ of habeas corpus chiefly because his claims rested on arguments attacking the application of state law. ECF No. 6, PageID.152-53 (citing *Estelle v. McGuire*, 502 U.S. 62, 68 (1991)). In addition, the Court denied Mr. Bell’s certificate of appealability “because he has failed to make a substantial showing of the denial of a federal constitutional right.” ECF No. 6, PageID.155 (citing *Dell v. Straub*, 194 F. Supp.2d 629, 659 (E.D. Mich. 2002)).

On February 10, 2021, the Sixth Circuit denied Mr. Bell’s notice of appeal for lack of jurisdiction because he did not file his appeal within

¹ The Court amends the caption to reflect the name of Petitioner’s current warden. See Rule 2(a) of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254.

the thirty-day requirement. ECF No. 12 (citing 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A)). For this reason, Mr. Bell's motion for a certificate of appealability is **DENIED** as moot.

IT IS SO ORDERED.

Dated: February 23, 2021 s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE